

91 F.3d 385, *, 1996 U.S. App. LEXIS 19807, **;
35 Fed. R. Serv. 3d (Callaghan) 1352

Civil Procedure > Appeals > Appellate Jurisdiction > Final Judgment Rule

[HN1] Under Fed. R. Civ. P. 54(b), an order that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is not a final judgment unless the district court makes an express determination that there is no just reason for delay and an express direction for the entry of judgment. Strict adherence to the certification requirements of Rule 54(b) has been the court's consistent view.

***Civil Procedure > Judgments > Entry of Judgments > Multiple Claims & Parties
Civil Procedure > Judgments > Relief From Judgment > Motions to Alter & Amend
Civil Procedure > Appeals > Appellate Jurisdiction > Final Judgment Rule***

[HN2] To be certified under Fed. R. Civ. P. 54(b), an order must possess the degree of finality required to meet the appealability requirements of 28 U.S.C.S. § 1291. This degree of finality is defined as a judgment which ends the litigation on the merits and leaves nothing for the court to do but execute the judgment.

Civil Procedure > Pleading & Practice > Pleadings > Amended Pleadings > Leave of Court

***Civil Procedure > Judgments > Relief From Judgment > Motions to Alter & Amend
Civil Procedure > Appeals > Appellate Jurisdiction > Final Judgment Rule***

[HN3] An order denying leave to amend a complaint is not a "final decision" within the meaning of 28 U.S.C.S. § 1291.

Civil Procedure > Appeals > Appellate Jurisdiction > Interlocutory Orders

[HN4] See 28 U.S.C.S. § 1292(b).

***Civil Procedure > Appeals > Appellate Jurisdiction > Collateral Order Doctrine
Civil Procedure > Appeals > Appellate Jurisdiction > Final Judgment Rule***

[HN5] Under the "collateral order" exception to the final judgment, an interlocutory order is immediately appealable if, inter alia, the order would "be effectively unreviewable on appeal from a final judgment."

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JUDGES: Before: MINER, McLAUGHLIN and LEVAL, Circuit Judges.

OPINION BY: MINER

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